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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,174	02/27/2004	Hiroshi Uehara	ED-US020791	4906
22919	7590	09/21/2005		
SHINJYU GLOBAL IP COUNSELORS, LLP 1233 20TH STREET, NW, SUITE 700 WASHINGTON, DC 20036-2680				
			EXAMINER BINDA, GREGORY JOHN	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/787,174

Applicant(s)

UEHARA, HIROSHI

Examiner

Greg Binda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

*Election/Restrictions*

1. Applicant's election without traverse of Species I shown in Figs. 1-14 in the reply filed on Aug 5, 2005 is acknowledged.

2. Claims 19 & 20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on Aug 5, 2005.

*Drawings*

3. The drawings are objected to because:

a. An inappropriate cross hatch pattern used for plastic bush 151. See MPEP 608.02 for the appropriate pattern.

b. Reference character 108a fails appear in Fig. 6 as alleged at paragraph 0036.

c. Fig. 12 indicates  $\theta 6$  is equal to 11 degrees, but at page 28, line 11 it is described as being equal to 9 degrees.

d. Fig. 12 indicates  $\theta 4$  is equal to 1 degree, but at page 29, line 20 it is described as being equal to 4 degrees.

4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing

should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

5. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
6. The disclosure is objected to because:
  - a. The current status of the related application cited at page 1, line 4 is not provided.
  - b. Page 11, line 8 and page 34, line 21 includes an undefined acronym “FF”.
  - c. Page 16, line 19 and page 33, line 22, reference numeral 1 should be changed to 101.
  - d. Page 22, line 21 mentions, “the prior art design”. There is no way to determine which design in the prior art is “the prior art design”.

- e. Page 25, lines 14 & 15, reference numerals 8e, 8a and 8 should be changed to 108e, 108a and 108 respectively.
7. The specification is objected to because the detailed description fails to provide proper antecedent basis for the following claimed subject matter:
- a. Claim 1, line 6: "said plate member being configured to be pushed by said first rotating member"
  - b. Claim 2: "said plate member is movable in said rotational direction when said first rotating member pushes said plate member"
  - c. Claims 3, 7, 12 & 16: "said plate member is elastically deformed"
  - d. Claim 10, line 12: "said plate member being configured to be pushed by said hub"
  - e. Claim 11: "said plate member is movable in said rotational direction when said hub pushes said plate member"

*Claim Rejections - 35 USC § 112*

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in

the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

- a. Claim 1, lines 8 & 9 recites the limitation, “relative rotation of said first and second rotating members”. However, to the contrary, the specification specifically teaches at page 31, lines 15 & 16, that the second rotating member 110 (see also page 20, line 18) cannot rotate relative to the first rotating member hub 106 (see also page 15, line 17).
- b. Claim 10, lines 9 & 10 recites the limitation, “an intermediate rotating member relatively rotatable to said hub” and in line 14 the limitation, “relative rotation of said hub and intermediate rotating member”. However, to the contrary, the specification specifically teaches at page 31, lines 15 & 16, that “the intermediate rotating member 110 cannot rotate relative to the flange 108 [of the hub 106]”.

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 10-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claim 10, line 3 recites the limitation “a disk-like rotating member”. The addition of the word “like” to an otherwise definite expression extends the scope of the expression so as to render it, as well as the claim, indefinite. *Ex parte Copenhaver*, 109 USPQ 118 (Bd. App. 1955).

b. Claim 10, line 4 recites the nonsensical limitation, "an elastic connection mechanism elastically said hub".

c. The term "minute" in claim 10, line 6 is a relative term which renders the claim indefinite. The term "minute" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

*Claim Rejections - 35 USC § 102*

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1-3, 7 & 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Ball et al, US 4,787,612 (Ball). Figs. 1-5 show a first rotating member 17-19; a second rotating member 11 being disposed relatively rotatable to the first rotating member; an elastic member 28 that is compressed in the rotational direction when the first and second rotating members rotate relative to each other; and a plate member 52 extending in a rotational direction having main surfaces 55 facing in the radial directions, the plate member being configured to be pushed by the first rotating member in the rotational direction to slide against the second rotating member and to generate friction resistance during relative rotation of the first and second rotating members (see

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also col. 3, lines 45-54). In col. 3, lines 52-56 Ball discloses the plate member 52 is elastically deformed.

14. Claims 1-3 & 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Maucher et al, US 5,871,401 (Maucher). Figs. 12 & 13 show a first rotating member 28, 29; a second rotating member 22-25 being disposed relatively rotatable to the first rotating member; an elastic member 35 that is compressed in the rotational direction when the first and second rotating members rotate relative to each other; and a plate member 49 extending in a rotational direction having main surfaces 53, 54 facing in the radial directions, the plate member being configured to be pushed by the first rotating member in the rotational direction to slide against the second rotating member and to generate friction resistance during relative rotation of the first and second rotating members. Fig. 12 shows the plate member 49 is held within a groove 23 in the second rotating member 22-25. Fig. 13 shows the plate member 49 is movable in the rotational direction when the first rotating member 28, 29 pushes the plate member. Fig. 6 shows the plate member 349 can include portions 357 that are elastically deformable.

15. Claims 1-3, 7 & 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Steeg, US 4,368,812. Figs. 1-2 show a first rotating member 5; a second rotating member 2 being disposed relatively rotatable to the first rotating member; an elastic member 7 that is compressed in the rotational direction when the first and second rotating members rotate relative to each other; and a plate member 8 extending in a rotational direction having main surfaces 9 facing in the radial directions, the plate member being configured to be pushed by the first rotating member in the



rotational direction to slide against the second rotating member and to generate friction resistance during relative rotation of the first and second rotating members.

16. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Hashimoto et al, US 6,302,799 (Hashimoto). Figs. 1-5 show a damper disk assembly 1 for transmitting torque in a vehicle comprising: a hub 3; a disk-like rotating member 2 being disposed relatively rotatable to the hub; an elastic connection mechanism 7 elastically connecting the hub with the disk-like rotating member; and a damper mechanism 10 being configured to absorb and attenuate minute torsional vibration during idling of the vehicle, the damper mechanism 10 operating only within an angular range from a zero torsional angle  $\theta_1$  (see also col. 15, lines 47-56) smaller than the angular range  $\theta_1 + \theta_2$  within which the elastic connection 7 operates (see also col. 15, line 64 through col. 16, line 5). The damper mechanism includes an intermediate rotating member 18, 20 (see also col. 6, lines 63 & 64 and col. 8, lines 12, 13 & 67) relatively rotatable to the hub 3 within a limited angle  $\theta_1$  (see Fig. 2 and col. 7, lines 43-55), and a plate member 19, 78 (which includes the elastically deformed member 78) extending in the rotational direction having main surfaces 99 facing in the radial directions, the plate member being configured to be pushed by the hub 3 (see also col. 11, lines 28-37) in the rotational direction to slide against the intermediate member 18, 20 (see also Fig. 6 and col. 11, lines 48-53) to generate friction resistance during relative rotation of the hub and the intermediate member. Figs. 2-4 shows damper disk assembly further comprising: the intermediate rotating member 20 formed with a holding portion 73 having a groove extending in the rotational direction and having opposite openings in the rotational direction; the plate member 19 is disposed in the groove having a

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rotational length longer than that of the groove; and the hub 3 having a pair of contact portions (see also "gaps" at col. 11, line 33) disposed on each rotational direction side of the holding portion in the rotational direction, the contact portions are configured to contact ends 99 of the plate member 19.

*Conclusion*

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Binda  
Primary Examiner  
Art Unit 3679